

SPÍRIT

- 1 -

MEMORANDUM FOR: James L. Blaha  
 Assistant for Operations

FROM: B.J. Youngblood, Director  
 Division of High-Level Waste Management, NMSS

SUBJECT: MINUTES OF MEETING WITH EPA STAFF

Enclosed are the minutes of a December 5 meeting between the staffs of the NRC and EPA. Because the Commissioners' assistants have frequently voiced interest in our interactions with EPA, they may wish to receive copies of these minutes. Please distribute as appropriate.

B.J. Youngblood, Director  
 Division of High-Level Waste Management, NMSS

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SPIRIT

- 2 -

DEC 18 1991

MEMORANDUM FOR: James L. Blaha  
 Assistant for Operations

FROM: Robert M. Bernero, Director  
 Office of Nuclear Material Safety  
 and Safeguards

SUBJECT: MINUTES OF HLW MEETING WITH EPA STAFF

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(Signed) Robert M. Bernero

Robert M. Bernero, Director  
 Office of Nuclear Material Safety  
 and Safeguards

Enclosure:  
 As stated

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\*SEE PREVIOUS CONCURRENCE\*

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OFC : NMSS	: NMSS	
NAME: CArotto	: RMBernero	:
Date: 12/15/91	: 12/18/91	:

12/13 #3



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

DEC 18 1991

MEMORANDUM FOR: James L. Blaha  
Assistant for Operations

FROM: Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: MINUTES OF HLW MEETING WITH EPA STAFF

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A handwritten signature in cursive script, appearing to read "Robert M. Bernero".

Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
As stated

## MINUTES

## EPA/NRC Meeting on HLW Standards

December 5, 1991, OWFN

<u>Attendees:</u>	EPA	NRC
	W. Gunter	J. Youngblood
	T. McLaughlin	M. Federline
	F. Galpin	S. Coplan
	J. Gruhlke	D. Fehringer
	R. Clark	J. Wolf
	C. Petti	

Background: At the request of EPA staff, representatives of EPA and NRC met on December 5, 1991 to discuss NRC comments on Working Draft 3 of EPA's high-level waste standards. W. Gunter of EPA indicated a desire to conduct a series of meetings with NRC staff to work toward resolution of issues raised in NRC comments.

Discussions:

## 1. Draft 3 Comments

## a. Jurisdictional matters.

EPA noted the NRC staff's continued objection to EPA's assurance requirements, criteria for demonstrating compliance, and implementation guidance. EPA asked whether this indicated any change in the NRC's position. The NRC responded that there has been no change. A 1984 agreement between EPA and NRC applied only to the "assurance requirements" as they were worded at that time. In the NRC staff's view, that agreement does not apply to changes to the "assurance requirements" or to any new criteria such as the "criteria for demonstrating compliance." Even though the NRC staff does not consider its views to have changed, the staff was concerned that silence might be misconstrued as acquiescence, and reiteration of the comment was intended to preserve the NRC's previous position, rather than to modify it.

## b. Comparative risk basis for supporting the standards.

EPA noted that some comments have recommended that EPA entirely abandon its analyses of repository performance as a basis underlying the containment requirements and, instead, derive its standards solely from comparisons with other risks and safety standards. The NRC staff emphasized its disagreement with such comments.

The NRC staff's comment recommends that comparisons with other risks and standards be used to supplement EPA's repository performance analyses, providing a more robust basis of technical support for the standards. Providing comparisons with other risks and standards would help to determine whether EPA's standards are significantly more stringent than other standards, as has frequently been asserted.

c. DOE's request for more guidance.

EPA noted that DOE is expected to recommend addition of guidance to EPA's standards dealing with, among other things, interpretation of the meaning of "reasonable expectation" and definition of the biosphere assumptions to be used when evaluating compliance with the individual and groundwater protection requirements. EPA asked whether the NRC would consider such guidance to exceed EPA's standard-setting authority. The NRC staff responded that it would object to such guidance within EPA's standards, and recommended that any such guidance be provided in EPA's Supplementary Information.

d. EPA suggested a three-party meeting to discuss issues where there is disagreement about the extent of EPA's authority. NRC noted that NRC and DOE have pledged to make all repository-related meetings between the two agencies open to the public, and that a three-party meeting of the type suggested by EPA would presumably need to be open.

e. Comments from other organizations.

The NRC staff asked about the nature of comments received by EPA from other organizations. EPA indicated that relatively few comments have been received, particularly from states and environmental organizations. Discussions at the September and November EPRI-sponsored workshops provided a more comprehensive range of views than comments on Draft 3.

2. Dec. 3 Bernero letter to Oge.

a. Example calculations for "3-bucket" concept.

On December 3, 1991, the NRC staff forwarded to EPA a set of example calculations demonstrating how the NRC staff would evaluate compliance with EPA's 1985 standards and with the NRC staff's proposed alternative. The example calculations demonstrate the basis for the NRC staff's view that the two formulations for the standards provide approximately an equivalent level of safety. At the

Dec. 5 meeting, the NRC staff summarized its example calculations and, in response to a question from EPA, provided additional detail on the means to be used for incorporating uncertainty analyses when constructing a "complementary cumulative distribution function" (CCDF). The staff also discussed the reasons for its preference for a qualitative, rather than a numerical, definition of the boundary between the "unlikely" and the "very unlikely" categories. Finally, the NRC staff emphasized its view that classification of human-initiated disruptions is not an inherent part of the "3-bucket" concept.

b. Adapting ICRP-46 recommendations.

In 1985, the International Commission on Radiological Protection (ICRP) issued its recommendations for safety standards for disposal of radioactive wastes (Publication 46). The NRC staff summarized its view that the ICRP recommendations can serve as a useful benchmark for evaluating the stringency of EPA's HLW standards. EPA and NRC discussed means that might be used to translate EPA's population-based standards into an equivalent individual risk level for comparison with the ICRP recommendations.

3. Draft Rogers & Assoc. report on "3-bucket" concept.

The NRC staff noted that the wording of the "3-bucket" alternative used by EPA's contractor, Rogers & Associates, is significantly different from that originally proposed by the NRC staff. The differences appear to have significantly affected Rogers' evaluation of the NRC staff's proposal. EPA noted that Rogers has been asked to revise its evaluation, based in part on consideration of the NRC staff's example calculations. EPA requested written NRC staff comments on the draft Rogers report, and the NRC staff agreed to provide such comments.

Conclusion:

EPA requested another meeting in about two weeks for additional discussions of NRC's views on the standards. NRC staff agreed to such a meeting at EPA's offices on a date to be determined.